

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 2/26/16

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM WILBER, ET AL.

Plaintiffs,

v.

TOP GLOBAL CAPITAL INC., ET AL.,

Defendants.

Case No.: 1:14-mc-00095-P1

STIPULATION AND ORDER TO  
VACATE AND DISMISS AS TO  
METAQUOTES SOFTWARE CORP.  
ONLY PURSUANT TO SETTLEMENT

WHEREAS, Plaintiffs filed the above-referenced action on April 1, 2014 to register a foreign Judgment against MetaQuotes Software Corp., resulting from the Default Judgment entered against MetaQuotes in the Federal District Court, Central District of California, Case Number SACV12-1448 AG (JPRX); and

WHEREAS, none of the parties to the above-referenced action is an infant or incompetent person; and

WHEREAS, Plaintiffs and MetaQuotes Software Corp. have reached a settlement in the matter filed in the Federal District Court, Central District of California, Case Number SACV12-1448 AG (JPRX), which requires the dismissal with prejudice of MetaQuotes Software Corp. only from the above-referenced action; and

WHEREAS, an Order was entered on February 2, 2016 in the Federal District Court, Central District of California, Case Number SACV12-1448 AG (JPRX) dismissing MetaQuotes Software Corp. only, attached as Exhibit A, with prejudice, and pursuant to the terms of the Settlement Agreement, attached as Exhibit B; now, therefore

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs William Wilber, Nicole Kharzi, Karen Oldmixon, Larry Cain, Robyn Jamison, Otto Fox, Gail Young, Mark Thomas, Cindy DiCosimo, Carol Winkler and David Winkler

("Plaintiffs") and Defendant MetaQuotes Software Corp. (collectively "the Parties"), by and through their counsel that:

1. The Parties hereby agree that the Default Judgment entered against MetaQuotes Software Corp. by the Central District of California has been set aside and vacated.
2. The Parties hereby agree that the foreign Judgment registered by Plaintiffs on April 1, 2014 in the above-captioned action is vacated as against MetaQuotes Software Corp. only.
3. The Parties hereby agree that the above-captioned action is dismissed with prejudice as to MetaQuotes Software Corp. only, pursuant to FRCP 41(a).
4. This Stipulation and Order to Vacate and Dismiss embodies the entire Settlement Agreement of the Parties as filed in the Federal District Court, Central District of California Case No. SACV12-1448 AG (JPRX).

Dated: February 24, 2016

PHILLIPS LYTTLE LLP

By Robert V. Cornish, Jr.  
Robert V. Cornish, Jr.  
800 17th Street, NW, Suite 450  
Washington, D.C. 20006  
Tel.: (202) 617-2700

*Attorneys for Plaintiffs*

Dated: February 24, 2016

COZEN O'CONNOR

By Jason B. Bonk  
Jason B. Bonk  
277 Park Avenue  
New York, New York 10172  
Tel.: (212) 883-4900

*Attorneys for MetaQuotes Software Corp.*

SO ORDERED:

Dated: 2/26/16

[Signature]  
United States District Judge  
Doc #05-471451

Judge Woods, Part 1